REMARKS

I.   **Claim Rejections – 35 U.S.C. §112**

Claims 1 and 3-38 stand rejected under 35 U.S.C. §112 as being indefinite with regard to the terms "enjoyability", "relevance" and "impact" ratings. The fact that claim language includes terms of degree does not render the claim indefinite. *See* MPEP 2173.05(b). In addition to being described in the specification and claims, these terms appear in dictionaries and are therefore *per se* defined. One skilled in the art would be able to understand the type of rating. In addition, the claims were amended for the sake of clarity. Applicants respectfully request this rejection to be withdrawn.

II.   **Claim Rejections – 35 U.S.C. §103(a)**

A.   Claims 1, 3-9, 11, 14, 16-28, 30 and 34-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Srinivasan (US 2002/0042738A1).

Srinivasan teaches a "system [that] uses one or more objective functions for determining advertising effectiveness." Srinivasan at 0085 et seq. In Srinivasan, "[d]ata is accumulated for each advertisement. This data typically include the fraction of visitors who click-through a particular ad, for example. Other data may include whether or not the customer purchased a particular product or a minimum 'basket' of products." Srinivasan at 0104. "The ad with the highest click-rate, or other measurement of the objective function, is then used as the default advertisement." Srinivasan at 0106; see also Srinivasan example at 0114-0119. After such measurements, some advertisements may then be propagated to the visitors. Srinivasan at 0113.

In contrast, the click-through rates, buy rates, and other objective data described in Srinivasan all fail to teach or suggest the existence of ratings of a degree of enjoyablilty to the user, a degree of relevance to the user, or a degree of impact on the user's opinion. In this regard, claim 1 recites, "data points identifying an enjoyability rating reflecting how enjoyable or annoying the advertisement was to the user, wherein the enjoyability rating corresponds to a

rating on a degree of enjoyability," "data points identifying a relevance rating reflecting how relevant the subject matter of the advertisement is to the user, wherein the relevance rating corresponds to a rating on a degree of relevance scale" and "data points identifying an impact rating reflecting how much an advertisement made an impact on the user's opinion of the advertiser or media owner, wherein the impact rating corresponds to a rating on a degree of impact scale."

Moreover, claim 20 recites, "data collecting means for collecting a plurality of data points identifying measurements of how enjoyable or annoying the advertisement was to the user, wherein said measurements correspond to ratings on a degree of enjoyability scale." In addition, claim 38 recites "data points about user opinions regarding the relevance of the subject matter of the advertisement, wherein the relevance rating corresponds to a rating on a degree of relevance scale," "data points about user opinions regarding how much an advertisement made an impact on the user's opinion of the advertiser or media owner" and "data points about user opinions regarding how the advertisement affects their opinion of the advertiser or media owner wherein the impact rating corresponds to a rating on a degree of impact scale."

For at least these reasons, Applicants respectfully request that the rejections be withdrawn.

B.   Claims 10, 12, 13, 15, 29, and 31-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Srinivasan. In making the present §103(a) rejections, the Examiner attempts to take official notice that pop-up windows were a common means of presenting surveys at the time of the instant invention, asking for comments in the surveys was also common, and key-word analysis would have been an obvious mechanical efficiency in analyzing these comments.

Applicants respectfully contend that the above facts, even if true, fail to fill in the gaps of Srinivasan previously described with respect to independent claims 1 and 20. As such, Applicants respectfully request that the §103 rejections to
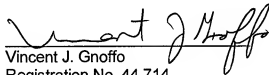
claims 10, 12, 13, and 15, which each depend from independent claim 1 and contain all of its features, should be withdrawn. Additionally, because Srinivasan and the officially noticed facts fail to teach or suggest all of the features of independent claim 20, Applicants respectfully request that the §103 rejections to dependent claims 29 and 31-33, which each include all of the features of independent claim 20, also be withdrawn.

Applicants respectfully request that the Examiner provide an affidavit or declaration setting forth specific factual statements and an explanation to support the findings or provide Applicants with one or more references or other documentary evidence to support the findings.

III.   Conclusion

Applicants respectfully request entry of this Amendment and allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

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